



ELITRA.009A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	:	Forsyth, et al.	)
			)
App. No.	:	09/741,669	)
			)
Filed	:	December 19, 2000	)
			)
For	:	GENES IDENTIFIED AS REQUIRED	)
		FOR PROLIFERATION OF E. COLI	)
			)
Examiner	:	Unknown	)

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and

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revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

ELITRA PHARMACEUTICALS, INC.

Dated: 7/20/01

By: 

J. Gordon Foulkes

Title: Executive Vice President  
Research and Development

Address: 3510 Dunhill Street, Suite A  
San Diego, California 92121

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060801

Application No.: 09/741,669  
Filing Date: December 19, 2000

**DO NOT RECORD**

PATENT  
Client Code: ELITRA.009A  
Page 1

**ASSIGNMENT**

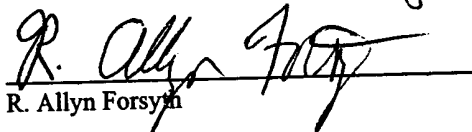
WHEREAS, We, R. Allyn Forsyth, a United States citizen, residing at 1135 Beryl Street, San Diego, California 92109; Kari L. Ohlsen, a United States citizen, residing at 3560 Vista De La Orilla, San Diego, California 92117; and Judith W. Zyskind, a United States citizen, residing at 8415 La Jolla Scenic Drive, La Jolla, California 92037, have invented certain new and useful improvements in GENES IDENTIFIED AS REQUIRED FOR PROLIFERATION OF E. COLI for which we have filed an application for Letters Patent in the United States, Application No. 09/741,669, filed December 19, 2000;

AND WHEREAS, Elitra Pharmaceuticals, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 3510 Dunhill Street, Suite A, San Diego, California 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of July, 2001

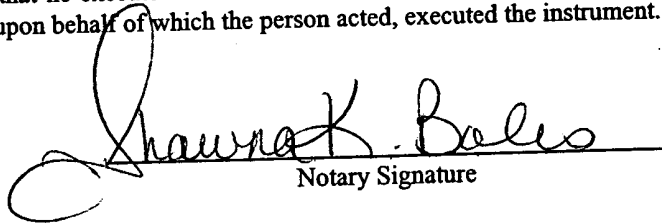
  
R. Allyn Forsyth

STATE OF California }  
COUNTY OF San Diego } ss.

On July 12, 2001, before me, Shawna K. Boles, personally appeared R. Allyn Forsyth personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

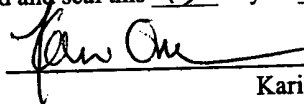
WITNESS my hand and official seal.

[SEAL]

  
Notary Signature

**DO NOT RECORD**

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13 day of June, 2001



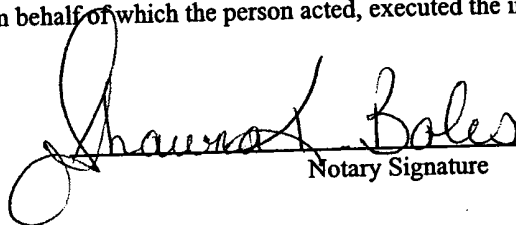
Kari L. Ohlsen

STATE OF California }  
COUNTY OF San Diego } ss.

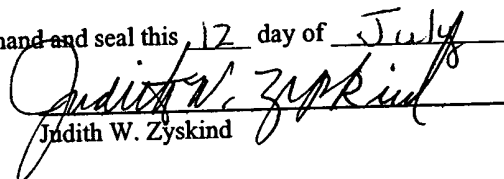
On June 13, 2001, before me, Shauna K. Boles, personally appeared Kari L. Ohlsen personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of July, 2001

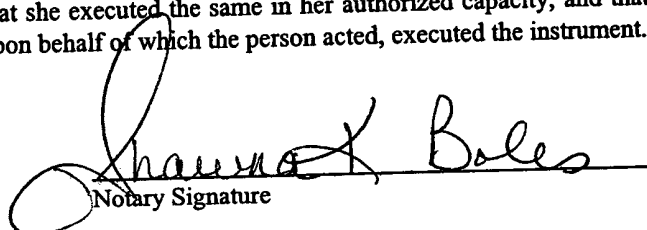
  
Judith W. Zyskind

STATE OF California }  
COUNTY OF San Diego } ss.

On July 12, 2001, before me, Shauna K. Boles, personally appeared Judith W. Zyskind personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Notary Signature